

March 19, 2010

Susan Auten
6520 Broadway St. #311
Pearland, Texas 77581

Dear Ms. Auten:

Enclosed is a copy of the fully executed Stipulation & Consent Order approved by the Emergency Medical Services Regulatory Board (EMSRB) on March 18, 2010.

The Board's Stipulation and Order states in part:

1. You voluntarily surrender your EMT-B certification;
2. You must mail your certificate to the EMSRB within 10 days of this order.
3. You may petition the Board for reinstatement after 12 months. If your certification is lapsed at that time you will need to meet reregistration requirements.
4. When petitioning for reinstatement you will need to demonstrate evidence that you are capable of providing emergency medical services in a fit and competent manner, have been participating in a program of chemical dependency rehabilitation, have been sober for a minimum of 12 uninterrupted months, and have had stable mental health for a minimum of 12 uninterrupted months.
5. You will need to meet with the Complaint Review Panel.

If you have further questions, please contact Rose Olson (651.201.2804) at your convenience.

Sincerely,



Katherine Burke Moore
Executive Director

Cc: Geoffrey Karls, Assistant Attorney General

Enclosure: Stipulation and Consent Order

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Susan Auten, EMT-B
Certificate No. 939553

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Susan Auten, EMT-B ("Respondent"), and the Minnesota Emergency Medical Services Regulatory Board's Complaint Review Panel ("Review Panel"), agree the above-referenced matter may be resolved by mail without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Emergency Medical Services Regulatory Board ("Board") is authorized pursuant to Minnesota Statutes chapter 144E to certify and regulate emergency medical technicians and to take disciplinary action as appropriate.

2. Respondent holds an Emergency Medical Technician - Basic ("EMT-B") certificate in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

OVERVIEW

3. On October 19, 2009, Respondent was discharged from the Health Professionals Services Program ("HPSP") for falsifying treatment provider documents and her case was referred to the Board. Upon review of all available information, the Review Panel determined this matter could be resolved by mail with a Stipulation and Consent Order for Voluntary Surrender of Respondent's EMT-B certificate.

4. Respondent was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation. Karen Andrews, Assistant Attorney General, represents the Review Panel.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On April 18, 2007, the Review Panel referred Respondent to the Health Professionals Services Program ("HPSP") for monitoring of her bipolar/borderline personality disorder and alcohol dependence. The HPSP determined Respondent was eligible for the program and on April 30, 2007, the HPSP received Respondent's signed Participation Agreement.

b. On September 1, 2009, Respondent moved to Pearland, Texas. She no longer provides emergency medical services in Minnesota.

c. On October 14, 2009, the HPSP contacted Respondent's therapist regarding concerns that Respondent had falsified her treatment provider form dated August 15, 2009. The therapist confirmed that the form had been falsified.

d. On October 19, 2009, the HPSP unsuccessfully discharged Respondent from the program and referred the matter to the Board.

e. On October 22, 2009, the HPSP received a letter from Respondent, admitting she had falsified the treatment provider form and apologizing for her actions.

IV.

LAWS

6. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.28, subdivision 1(4) and (5), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Voluntary Surrender

7. The Board accepts Respondent's **VOLUNTARY SURRENDER** of her EMT-B certificate. Respondent shall not provide emergency medical services in the state of Minnesota and shall not imply by words or conduct that Respondent is authorized to provide such services in the state of Minnesota.

8. Respondent shall surrender to the Board her EMT-B certificate. Respondent shall personally deliver or mail the certificate to the Minnesota Emergency Medical Services Regulatory Board, c/o Katherine Burke Moore, Executive Director, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414, within 10 days of the date of this Order.

B. Reinstatement

9. Respondent may not petition for reinstatement of her EMT-B certificate for a minimum of 12 months. At the time of Respondent's petition:

a. Respondent shall meet with a Board Review Panel to provide evidence that she is capable providing emergency medical services in a fit and competent manner, has

been participating in a program of chemical dependency rehabilitation, has been sober for a minimum of 12 uninterrupted months, has been consistently receiving mental health services, and has had stable mental health for a minimum of 12 uninterrupted months. Respondent shall also provide any additional information relevant to her petition reasonably requested by the Review Panel.

b. Respondent shall meet all recertification requirements in effect at the time of her petition for reinstatement, including but not limited to, completing the appropriate application, payment of the requisite fees, and completing any necessary continuing education requirements.

10. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

- a. Issue an EMT-B certificate to Respondent;
- b. Issue an EMT-B certificate to Respondent with limitations and/or conditions for Respondent's performance of regulated duties; or
- c. Deny Respondent's request for issuance of an EMT-B certificate based upon her failure to meet the burden of proof.

VI.

ADDITIONAL INFORMATION

11. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

12. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the

investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

13. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

14. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

15. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

16. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

17. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for

disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

18. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

19. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

COMPLAINT REVIEW PANEL



SUSAN AUTEN, EMT-B
Respondent

Dated: 2/2/2010, 2009



DAWN BIDWELL
Board Member

Dated: 3/18/2010, 2009

ORDER

Upon consideration of the Stipulation, the Board accepts the **VOLUNTARY SURRENDER** of Respondent's registration certificate, and adopts all of the terms described above on this 19th day of March, 2009.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD


KATHERINE BURKE MOORE
Executive Director

AG: #2551897-v1